'Bumps in the road ahead': How external actors defuse power-sharing crises

Abstract
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Keywords

Power-sharing; external actors; peacebuilding; consociationalism; political crisis

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'Bumps in the Road Ahead': How External Actors Defuse Power-Sharing Crises

Power-sharing is a governance approach favoured by external actors for building state capacity and legitimacy in post-conflict societies. Yet it can be crisis-prone, compelling external actors to continue to guide cross-community cooperation. Why and how do external actors seek to maintain power-sharing and prevent its collapse when operational difficulties emerge? We explore the distinction between 'light touch' and 'heavy hand' techniques and the motivations of external actors in defusing power-sharing crises. We find a trade-off between the short-term value of crisis management ('putting out fires') and the long-term objectives of sustainable local arrangements and external exit (local actors 'going it alone').

A decade of uninterrupted power-sharing between Northern Ireland's nationalist and unionist communities came to an end with the resignation of Sinn Féin's Martin McGuinness as deputy First Minister on 9 January 2017. While he resigned over the alleged involvement of Arlene Foster, the sitting First Minister and leader of the Democratic Unionist Party (DUP), in a renewable heating scheme gone awry, the break brought to the surface a series of underlying grievances between the two parties, including their contrasting perspectives on an Irish Language Act, marriage equality and Brexit. After new elections failed to break the impasse, the British and Irish governments co-convened ad hoc high-level talks in March 2017 but failed to get an agreement. Subsequent talks followed in June, November and again in January 2018 to no avail.

These were not the first rounds of talks to be sponsored by the British and Irish governments, the co-guarantors of the Good Friday Agreement (GFA) (1998). The two governments have brokered agreement on a wide range of issues since 1998, including reforms to the procedure for the election of First Minister and deputy First Minister, on devolution of policing and justice, on welfare reform and legacy issues, such as parades and flags, and on reforms to the Northern Ireland Assembly, including the reduction of the number of executive portfolios and seats in the Assembly, the creation of an official opposition and the restructuring of the Petition of

Concern. Twenty years on from the signing of the GFA, the two governments remain as central as ever to keeping power-sharing on track.

Northern Ireland is not the only example of contemporary power-sharing characterized by regular external involvement. External actors – states, international organizations or non-governmental organizations – often support power-sharing institutions in their efforts to resolve intra-state conflicts. Power-sharing has been facilitated and even imposed by external actors in deeply divided societies ranging from Bosnia and Herzegovina, Burundi, Iraq, Kenya, Lebanon, South Sudan to Macedonia and it has been recommended by external actors for Cyprus, the Democratic Republic of Congo, Liberia, Nepal, and Syria. In many cases, external actors have gone beyond supporting the adoption of power-sharing to playing an integral role in its maintenance.

While early consociational scholarship assumed that political elites in a cross-community coalition will cooperate despite their mutual mistrust, owing to a self-negating prophecy (Lijphart 1977, 100), this cooperation has often been guided by external actors in contemporary power-sharing practice. This 'new wave' of power-sharing (Taylor 2009, 7) has been beset by political instability and controversy. Rather than fostering a spirit of accommodation and enhanced cooperation, as assumed in the early scholarship, new wave power-sharing has been hampered by episodes of immobilism, elite intransigence and recurring political crises often only rectified with external engagement. The tendency of post-conflict power-sharing systems to be challenged by immobilism and crisis reflects the wider risk of conflict recurrence in societies transitioning from intra-state conflict and civil war (Walter 2010). We assume that external actors seek to avert the risk of renewed violence by continuing to support power-sharing as the preferred institutional arrangement, pushing for the implementation of power-sharing to overcome political crises that

threaten stability. The institutions they push for, however, are the same ones that result in their protracted involvement. Thus, there is an apparent disconnect between the capacity of external actors to support the adoption of power-sharing and their ability to ensure its effective implementation. Why and how do external actors seek to maintain power-sharing and prevent its collapse when operational difficulties and political crises emerge?

To address this puzzle, we employ a qualitative approach to explore the motives and techniques used by external actors to keep power-sharing on track when communal elites are locked in a political stalemate with their coalition partners. We draw from a series of in-depth, semi-structured interviews we conducted between October 2016 and March 2018 with approximately 20 individuals, including officials from the UK Northern Ireland Office, the Irish Department of Foreign Affairs and Trade, the European External Action Service, and the United Nations Department of Political Affairs. Participants were selected on the basis of their involvement in the negotiation, mediation and implementation of power-sharing arrangements and our questions sought to uncover the motivations, strategies and challenges of external involvement during moments of power-sharing crisis. In addition to our interview data, we review media reports from critical crisis moments as well as public statements made by leading external actors in the respective cases. Finally, we also draw on the extant literature on power-sharing broadly and the role of external actors therein.

Our focus is on the role of external actors in defusing power-sharing crises in what Taylor labels as 'new wave power-sharing'. He suggests that this new wave – cases with internationally-driven intervention – began with the signing of the 1995 Dayton Peace Accords (DPA) in Bosnia and Herzegovina and includes agreements in Burundi, Northern Ireland, Afghanistan, Macedonia, Kenya and Iraq. We employ Bosnia, Northern Ireland and Iraq as illustrative cases of this larger

phenomenon of power-sharing arrangements that come into being and which are held together through external support.[1] We are specifically interested in moments of power-sharing crisis, that is, stalemates between power-sharing partners that threaten institutional stability and which prompt external mediation efforts outside the bounds of their normally anticipated involvement.

The article has four parts. First, we review the existing research on the role of external actors in post-conflict power-sharing which has largely focused on how external actors encourage ethnic elites to share power at the time of the original agreement. Second, we consider the motivations of external actors stepping in during crisis moments to 'put out fires' and whether this supports the long-term objective of local actors 'going it alone'. We then turn to the 'how' of external involvement in defusing power-sharing crises. Drawing examples from Northern Ireland, Bosnia and Herzegovina, and Iraq, we show that external actors seek to manage political stalemate by employing a range of techniques from a light touch in the facilitation of inter-group negotiations to more heavy-handed direction or imposition. Not only do these different techniques have variable consequences for the operation of power-sharing, they are often so wide-ranging and ad hoc that it makes finding a discernible pattern difficult. In the conclusion, we assess the tension between the 'how' and the 'why' of external responses to power-sharing crisis and propose some strategies for mitigating this tension. Knowing more about the strategies of external actors in defusing crises will help develop our empirical understanding of how power-sharing 'works', what is required for its functionality and whether external actors are an integral piece of the power-sharing puzzle.

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[1] The relevant actors are the British and Irish governments (Northern Ireland), the European Union and the Office of the High Representative (Bosnia) and the US and the UN (Iraq). The wider literature on mediation explores the significance of mediator characteristics in bringing about agreement between disputing parties, often framed as a distinction between neutral and biased mediators (Svensson 2009). The external actors considered here are very different in terms of their historical relationships with the respective cases and none could be considered to be neutral (e.g. the issue of British sovereignty in Northern Ireland, the EU integration process in the Western Balkans, the US as an occupying power in Iraq). Despite these differences in historical relationships, however, the external actors employ similar strategies in their efforts to defuse power-sharing crises.

External Actors and Power-Sharing

Power-sharing is a model of governance designed for the inclusion of both majorities and minorities in decision-making processes. It is a set of institutions meant to invoke jointness and elite cooperation (McGarry & O'Leary 2004; Lijphart 1977). As defined by Hartzell and Hoddie (2003, 320), power-sharing consists of 'those rules that, in addition to defining how decisions will be made by groups within the polity, allocate decision-making rights, including access to state resources, among collectivities competing for power'. Consociationalism is the most common form of power-sharing and it entails the concurrent adoption of executive power-sharing, proportionality, group autonomy, and mutual veto rights. It can be adopted according to a liberal logic, by which democratic elections determine the extent of group representation, facilitated by low thresholds to cabinet formation, sequential portfolio allocation, and indirect veto rights (McGarry & O'Leary 2007). More often, however, it reflects a corporate logic, wherein the groups to share power are predetermined through quotas, reserved seats and other mechanisms. Northern Ireland and Iraq both exhibit features of liberal consociation whereas Bosnia is, arguably, an archetypal example of a corporate consociation.

External actors were not central to early power-sharing theory. Lijphart's inclusion of the external dimension related only to the push for ethnic rivals to agree to share power in the face of an external threat (Lijphart 1977, 53-103). In the following decades, however, as power-sharing has been increasingly applied to deeply divided states transitioning from violent conflict, external actors have become important actors for peace and stability in new wave cases.

The power-sharing literature is divided on the implications of this new role for external actors. Some see a benign and constructive role for external actors. While recognizing that externally-induced settlements are often 'less ideal and less secure' than internally-agreed arrangements, McGarry and O'Leary (2006, 53) argue that power-sharing theory should focus on 'the possibility of a positive *post*-agreement role for outsiders, i.e. one that involves them both in the *implementation* and in the active *operation* of power-sharing settlements'. Walsh (2017) contends that external actors serve constructively as guarantors of peace implementation and are sometimes afforded a specific role in the power-sharing settlement, such as critical positions on independent commissions. Cheeseman and Murray (2017) demonstrate the constructive role of former UN Secretary-General Kofi Annan in reaching a settlement between opposing parties during the 2007-8 electoral crisis in Kenya.

Other scholars are more sceptical. Kerr (2005, 7) suggests that 'too much emphasis has been placed on the internal variables that are necessary for power-sharing to succeed' and not enough on 'the impact and influence that external actors have upon internal elites'; he contends that external actors often impose power-sharing and that, resultantly, such arrangements are unable to be self-sustaining. Merdzanovic discusses what he sees as the 'vicious circle' of power-sharing, where international involvement is 'justified by claiming that consociationalism produces deadlocks while being structurally incapable of autonomously overcoming them. However, such intervention is also deemed problematic because it leads to domestic dependency, incapacitating local politicians from taking political ownership' (Merdzanovic 2017, 23). Horowitz (2014, 16) argues that external actors have a stake in the maintenance of power-sharing because they have 'encouraged or cajoled the parties to the original agreement or even underwrote it'.

Others are ambivalent. Cederman, Gleditsch and Wucherpfenning (2018) discuss the

potential for an 'open polity model' whereby support for power-sharing and inclusion are the result of 'imposed diffusion pressures exerted by external actors'. They argue that, stemming from a combination of strategic self-interest and normative commitments to inclusion, external actors will reward inclusive practices and punish exclusionary ones in divided polities. Finally, McEvoy (2014) details the incentives – both positive and negative – that external actors bring to bear on local parties, suggesting that external actors may be able to support the socialization and habituation needed to make power-sharing work, but that this is far from guaranteed.

While scholarship remains divided, external actors are nonetheless involved at two critical moments – they play an influential role during negotiation and adoption but also find themselves re-inserted during crises that threaten to knock the delicate balance of power off course. Despite this growing knowledge of external actors' role in supporting power-sharing, scholarship has not yet fully explained their on-going engagement during implementation. We know from the wider literature on mediation that context matters (including the conflict context, identity of the parties and identity of the mediator) and that mediation is 'a diverse and complex process of social interaction' (Bercovitch and Houston 2000, 197). But what are the motivations for external actors intervening to defuse power-sharing crises? Do they invoke a 'light touch' (e.g., facilitating dialogue) or do they apply a 'heavy hand' (e.g., imposing governance decisions)? What impact does this have on how power-sharing operates?

The Motivations of External Actors

External actors are often called upon to mediate and defuse crises that erupt during the power-sharing implementation process and, as we discuss further below, they have a range of tactics at their disposal for re-stabilization. In this section, we are interested in what motivates external

actors to intervene in power-sharing crises. Do the reasons external actors support the initial

adoption of power-sharing continue to hold during the difficult implementation phase? Further, do

their actions in the short-term – 'putting out the fire' – align with a long-term objective of the

power-sharing partners 'going it alone'?

First, it is worth considering whether the rationale for supporting power-sharing as a means

to end conflict continues to hold during its implementation. Earlier scholarship suggests that

external actors may seek to impose power-sharing in keeping with their foreign policy preferences,

allowing them to maintain control in regions of geo-strategic interest (Kerr 2005, 7).[2] In contrast,

the evidence from our interviews with a range of international mediators highlights a mix of

instrumental and normative explanations for why external actors turn to power-sharing in the first

instance: as a means for ending violence and promoting internal and regional security, as a middle

way between the competing international norms of self-determination and territorial integrity, as

a way to extend democracy and minority rights, and as a strategy in support of local actors seeking

technical advice on governance arrangements (McCulloch & McEvoy 2018). Often these

perspectives dovetail. This is highlighted by an Irish official, who noted that power-sharing

'addresses one of the core issues in Northern Ireland, which is that it a political entity with two

communities who look in different directions politically, where one is in the majority and one is a

minority' (interview, Department of Foreign Affairs and Trade [DFAT], 2018). Beyond the view

that power-sharing supports minority rights, there is the recognition that any deal would have to

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[2] While there is certainly merit in the contention that external actors prefer strategies that enable them to maintain a dominant role in strategically important regions, power-sharing, given its crisis-prone nature, is not likely to be their first preference for achieving and maintaining this dominance. This is so for two reasons: first, in each of our cases, power-sharing was only arrived at once it became clear that some form of control was untenable, suggesting that it is often not the desired outcome; second, since new wave cases often bring power-sharing partners together only reluctantly, contributing to crisis politics, external actors often find themselves intervening more often than they anticipated but also, often with a heavier hand than they originally planned, thus requiring them to expend more energy and resources than desired.

respect the special historical context of Northern Ireland, i.e., British sovereignty and the vested interest of Ireland in the resolution of the conflict. This is not only the basis of the GFA, but also all attempts to manage the conflict since the 1970s. Another mediation actor, affiliated with the UN, also captures this mix of reasons, explaining how one of the parties to a contemporary violent conflict sought a federal power-sharing solution as a compromise between 'wanting to maintain the sovereignty of [the state] and the integrity of the territory' and a lack of trust in state actors: (interview, 2017). While the central consideration is how to mediate between competing international legal norms, there is also the question of how to manage demands for power-sharing from one or more of the parties to the conflict.

This mix of instrumental and normative reasoning carries over to the implementation period when external actors re-engage in an effort to defuse power-sharing crises. Certainly, the overriding objective for intervening in political crises is one of short-term expediency – do whatever is required to keep 'the fire' from spreading. There is a not-unfounded fear that if the crisis is not averted, it will escalate to the point of a resumption of violence. Indeed, civil wars tend to have a high relapse rate; of the 103 wars fought between 1945 and 2009, 59 had some recurrence (Walter 2010). With this fear in mind, external actors seek to avoid a situation that would result in protracted immobilism and renewed violence. Intervening to resolve a political crisis will also potentially help to avoid a prolonged military response or more robust political intervention by external actors later on when the stakes are much higher. Nonetheless, while crisis management is the major impetus for external involvement, some external actors point to the positive developments arising from crisis moments. In Northern Ireland, according to one official, 'What you've seen is that each crisis has been able to address some issues and put them away'

(interview, DFAT, 2018). In Bosnia, external actors have facilitated agreement on a number of core issues, such as military reforms (Koneska 2015).

Second, it is worth considering what 'going it alone' entails from the perspective of external actors. As noted in the literature on statebuilding, the timing and process of exit of post-conflict international intervention is a complicated affair, particularly given the lack of planning for exit (Caplan 2005, 2012, Chesterman 2004, Zaum 2009). As Richard Caplan explains, on the one hand external actors are concerned that withdrawal may appear premature, leaving behind weak institutions and the risk of recurrence of conflict; on the other hand, ongoing external control 'threatens to alienate the local population and inhibit the development of autonomous governance capacity' (2012, 4). The same dilemma is apparent in post-conflict power-sharing systems whereby the objective of externals exiting at the earliest opportunity is only one of several competing logics they might employ.

In some cases, external actors are in it for the long haul, with the understanding that it is the nature of the conflict that necessitates external engagement. This rationale is on display in Northern Ireland, where the involvement of the Irish government is built into the GFA. Given the historical relationship between the two countries, the provisions on the Irish dimension were key to nationalists accepting the agreement in the first place. As a result, it is not surprising to hear Irish officials noting, 'I don't think we have an exit strategy' (interview, DFAT, 2017). Nevertheless, both the Irish and British governments have been more directly involved in keeping the power-sharing institutions alive than originally planned. While the two governments can support the process, they both acknowledge it comes down to the willingness of the power-sharing partners to cooperate. This perspective was shared by American negotiators Richard Haass and Meghan O'Sullivan who mediated talks in 2013: 'We will do all we can, but the choice is up to

the parties…No outsider can ever want agreement more than insiders do' (Belfast Telegraph 2013). External actors can encourage, incentivize, and pressure the parties but they can rarely coerce them into going it alone.

In other cases, the logic is one where the establishment of internal stability is the basis for exit, particularly in cases of multilateral intervention, such as Bosnia, but also in cases of invasion/occupation, as in Iraq. Yet, there is an expectation of responsibility on the part of the external actors who negotiated the initial deal to help keep it alive. In Iraq, the US has repeatedly pledged to support a united, democratic and federal Iraq, aiming to both strengthen political institutions in Baghdad and facilitate Kurdish autonomy. Committed to the federal and power-sharing arrangements established by the 2005 Constitution, the US seeks to secure internal and regional stability and as a counterbalance to growing Iranian influence (Jeffrey & Knights 2018). Thus, external actors continue to mediate during the implementation period in an effort to uphold the political arrangements, often with a heavy hand.

While such involvement is intended to be temporary, what temporary has meant in practice, though, has varied considerably, as the case of Bosnia demonstrates. The stated goal has always been for international actors to leave the country and a formal strategy for the closing of the Office of the High Representative has been in place since 2008. Yet, stability has proven elusive and the conditions for exit have been subject to shifting goal posts. This sense of protracted involvement was highlighted in our interviews. One mediation actor suggested that power-sharing is akin to 'a Band-Aid on a wound' (interview, UN, 2017) while another noted that power-sharing is 'hardly ever resolution of a crisis' (interview, UN, 2016). This often requires external actors to return 'the next time the crisis gets to a flashpoint' (interview, UN, 2017). From this perspective, both power-

sharing and external guidance are required for a modicum of security and stability to be achieved but neither is likely to resolve the conflict.

In addition to the normative and instrumental reasons for advocating power-sharing in the first place, external actors view their engagement as necessary to help stabilize the situation and avoid protracted involvement later on. Some external actors see their role as ongoing, largely owing to the nature of the conflict (i.e., self-determination disputes in which they may have a vested interest) and to commitments set out in the initial peace agreement. Their accepted role, then, is to continue to provide support to communal elites on occasions when power-sharing looks set to derail. For other external actors, engagement to help resolve power-sharing crises is viewed as a mechanism to stabilize the situation and as a path to their own exit.

Deploying a 'Light Touch' to Overcome Political Deadlock

External actors begin with the hope that the parties in a power-sharing executive are willing and able to overcome episodes of stalemate by their own volition. But experience demonstrates that such inter-party cooperation is unforthcoming when communal parties hunker down in their respective entrenched positions over contentious policy issues. Political stalemate then precipitates engagement by external actors seeking to persuade the parties to move forward. Once a need to re-engage has been determined, external actors will likely prefer to adopt a 'light touch', to minimize the extent of their involvement and facilitate progress. Acting as facilitators to overcome political crises usually means convening inter-party negotiations and sometimes providing technical expertise on institutional reform and even drafting the text of an agreement.

This pattern of 'light touch' engagement has been in evidence over the course of the

implementation of the GFA in Northern Ireland for some twenty years (O'Kane 2011; McEvoy 2014). For example, following the suspension of the political institutions in 2002, the British and Irish governments held inter-party talks in 2006, and presented a text to the political parties in the form of the St Andrews Agreement, finally agreed by the DUP and Sinn Féin. By introducing a degree of institutional reform, the text helped persuade the DUP to share power with Sinn Féin and addressed the latter's concerns regarding the devolution of policing and justice powers and future legislation on the Irish language. Yet the two largest parties remained at odds over the timing of devolution; the DUP sought to stall the move until it could be sure of 'adequate public confidence'. Political instability over when devolution should happen led the two governments to convene a fresh round of talks in 2010, leading to the Hillsborough Agreement which set out a deadline for devolution of policing and justice and committed to the reform of the Parades Commission, a concession to the DUP who had long viewed the commission as biased in favour of the nationalist community. UK Prime Minister Gordon Brown welcomed the agreement as 'the new beginning of a new chapter after decades of violence, years of talks, weeks of stalemate' (McDonald 2010).

The power-sharing executive formed in 2007 ushered in a period of improved, if unexpected, inter-communal cooperation. For the British government, the objective of achieving devolved government in Northern Ireland had been realized. Stable power-sharing was therefore expected to bed down, allowing the two governments to take a step back as the parties appeared able to 'go it alone'. The Northern Ireland Office was 'much reduced' in anticipation of stability at Stormont (interview, Northern Ireland Office [NIO], 2018). Yet, the promise of increased stability was soon threatened by growing tensions between the DUP and Sinn Féin, increasingly visible to the two governments by 2011-12. There was acknowledgement that renewed

engagement was necessary and a degree of 'hand-holding' would be required to steer devolution politics (interview, NIO, 2018). Never far from the surface, the issues of flags, parades and how to deal with the past further deteriorated relations between the two largest parties. The two governments sought assistance from international interlocutors in a bid to deal with thorny cultural issues and the legacy of the conflict. Haass and O'Sullivan held several months of talks with the parties in 2013 with an aim to develop proposals for new institutions with responsibility for managing controversial issues but no agreement was forthcoming (BBC 2013). These on-going problems relating to the conflict were further complicated by a period of stalemate between the parties over welfare austerity measures. Political deadlock once again triggered engagement by London and Dublin leading to the Stormont House Agreement after eleven weeks of talks in 2014. The agreement addressed issues relating to finance and welfare measures as well as issues relating to flags and culture and included measures for reform of the Northern Ireland Assembly.

Notwithstanding expectations that the Stormont House Agreement would foster political stability, implementation stalled during 2015. The two governments yet again convened talks to prevent the collapse of power-sharing. On this occasion, pressure from the British government was more intense than in previous rounds (interview, NIO, 2018). Ten weeks of negotiations between the political parties and the two governments resulted in the Fresh Start Agreement of November 2015. Praising the local parties for reaching agreement, Secretary of State for Northern Ireland, Theresa Villiers, stated the deal had been 'driven by Northern Ireland political leaders' and paid tribute 'to their work and leadership' following hundreds of roundtable, bilateral and trilateral meetings. The Republic of Ireland's Minister for Foreign Affairs, Charles Flanagan, welcomed the agreement as 'an important milestone' but warned that 'now it is the time for implementation' (Fresh Start Agreement 2015, 12). Little more than a year later, however, the two governments

once again found themselves having to convene inter-party talks following the resignation of McGuinness. The resignation reportedly came as a surprise to the two governments as DUP-Sinn Féin relations had been cooperative just a month before; the extent of disagreement between the two parties was 'not visible' at the time (interview, NIO, 2018).

Despite inter-party talks to restore power-sharing throughout 2017 and early 2018, the parties failed to reach an agreement. Although agreement remained elusive, the British government affirmed its commitment to 'doing whatever is necessary to bring about devolution as soon as possible and secure provision of public services'. Assertions of such commitment came with resigned acceptance, however, that 'no matter what we do, we can't manufacture cooperation' between the parties. Devolution will nevertheless 'always be rooted in the Good Friday/Belfast Agreement' and their role is to continue to offer support in restoring power-sharing in anticipation of the expected 'bumps in the road ahead' (interview, NIO, 2018). Similarly, the Irish government remains hopeful that the parties can break the deadlock when they are ready, with support from Dublin and London (interview, DFAT, 2017). There is an acknowledgement that given the history of conflict and the brief period in which the institutions were stable, 'that is how the peace process works'. Even if the system is not always efficient and at times can be 'painful and frustrating', Dublin aims to support the parties in resolving the issues to 'get back to the institutions which can deliver' (interview, DFAT, 2018).

A 'light touch' strategy to overcome power-sharing crisis has also been evident in the international involvement in Bosnia to break political deadlock and improve the functioning of the power-sharing system. The Europeanization of Bosnia has been driven by the expectation that EU prospective membership would help build a functioning state and secure sustainable peace. Bosnia's EU membership perspective would in turn become 'the international community's new

exit strategy' as the reforms required for EU and NATO membership would render redundant the international supervision of the state (Lajčák 2008). For the EU institutions, Bosnia's progress towards EU accession would necessitate reform of the power-sharing institutions set up under the DPA viewed as 'too complex and fiscally unsustainable' and a potential impediment to integration (EU Commission 2005). The EU's preference has been for strengthened state institutions vis-à-vis the two entities, suggesting that reluctance to transfer power to the central state 'is a major obstacle to any serious move towards a comprehensive and sustainable reform of the institutions and the constitutional order' (EU Commission 2005). Thus, the concern of the EU to overcome stalemate and encourage elite cooperation in decision-making has largely focused on constitutional reforms.

Since Bosnia became a potential candidate country in 2003, the EU has been engaged in several initiatives intended to bring about constitutional reform and strengthen the state-level institutions. At a conference marking ten years post-Dayton, the EU Enlargement Commissioner set out Bosnia's choice: keep the existing constitution 'with its functional limitations' or 'embrace constitutional reform as a means to advance the EU accession process' (Rehn 2005). Subsequent efforts were made to persuade the parties to agree to reform, largely directed by the US and supported by the EU. Anticipating that the parties would agree to reform in the context of negotiations, the EU adopted a 'light touch' approach, described as a 'hands-off and passive' stance, thereby missing an opportunity to push for reform (Sebastián 2007, 1). The 2006 'April package' failed to secure the required two-thirds majority in parliament by just two votes. A few years later, renewed engagement took place in the form of the 'Butmir process', a round of talks held at the Butmir military base outside Sarajevo. On this occasion, a joint US-EU initiative was led by US Deputy Secretary of State James Steinberg, the EU Presidency (represented by Swedish Foreign Minister Carl Bildt, who had previously served as the first High Representative) and EU

Enlargement Commissioner Olli Rehn. With renewed engagement, the US-EU mediators proposed reforming the state institutions in compliance with the European Convention on Human Rights, a transition to a unicameral system, more power to the Council of Ministers, and responsibility for preparing for EU integration at state level (International Crisis Group 2009, 4). The initiative failed to produce an inter-party agreement and was criticized for not being part of a more robust, longer-term strategy (TransConflict 2009).

The period following the failed 'Butmir process' saw little improvement in inter-party relations which in turn fed into a series of political protests organized by civil society, the so-called 'plenum movement' (Murtagh 2016). Late 2014, to break the deadlock, the British and German governments launched a joint initiative, 'Bosnia and Herzegovina - a new strategic approach' designed to persuade the political parties 'to put behind them the years of wrangling and stagnation' (FCO 2014). This required a written commitment from the parties to institutional reform at all levels of the state and agreement on a 'broader reform agenda' including implementation of the Copenhagen criteria. Though London and Berlin highlighted that this new strategy would be about 'taking a pragmatic and flexible approach to the sequencing of reforms' they nevertheless stressed that 'the difficult issues of constitutional change cannot be avoided'. Moreover, this new pragmatic approach did not come without warning that should the local parties 'once again allow themselves to get stuck in the mud of ethnic bickering', the two governments would be prepared to take a tougher stance (FCO 2014). This new effort to address political instability with a less explicit focus on constitutional reform subsequently formed the basis of the EU's approach in Bosnia. EU officials suggest that the realization of Bosnia's EU membership ambitions is more likely to come about by focusing on socio-economic reform and putting constitutional reform on the back burner for the time being. The expectation is that when socio-

economic reform is achieved, constitutional reform will come gradually over time as the parties become more cooperative and 'in partnership' with the EU (interview, European External Action Service, 2017).

In Iraq, power-sharing between Shias, Sunnis and Kurds since 2005 has been bedevilled by instability and stalemate. The US, despite being the occupying power and having directed the post-war constitution-making process, has, on occasion, adopted a 'light touch' approach to its engagement in power-sharing crises. Increasing detachment was evident in the US response to the contentious 2010 parliamentary elections whereby the al-Iraqiya coalition (supported largely by Sunnis and led by Ayad Alawi, a secular Shiite) won a narrow victory over Prime Minister Nouri al-Maliki's State of Law list. The absence of a clear victor led to eight months of stalemate and difficult negotiations. Maliki moved to form a government with Iranian and US support, subsequently described by Ali Khedery (2014), a long-serving American official in Iraq, as a 'disastrous' strategy. Supporting Maliki's bid for a second term, the US then helped facilitate the Erbil Agreement of November 2010 in which Maliki would remain Prime Minister and Iraqiya would lead a new institution, the National Council for Strategic Policy (International Crisis Group 2012). This 'light touch' approach in backing Maliki and promoting a power-sharing deal was followed, however, by disengagement by the US in failing to push for its implementation (Parker 2012). Moreover, US political disengagement provided space for Maliki to pursue an increasingly authoritarian policy of concentrating power in his own hands and eliminating the opposition (International Crisis Group 2012). The Obama administration seemingly chose to turn 'a blind eye to Maliki's encroaching authoritarianism' as Washington's primary concern was 'building a security relationship with the Iraqi government' rather than adopting an assertive diplomatic effort to resolve power-sharing crises (Barkey 2013; Sky 2015). Preferring a strong centralized state, the

US continued to support Maliki despite the Iraqi Prime Minister's actions to remove political opposition and contra to warnings from US politicians and experts from the field (Beinart 2014; Khedery 2014; International Crisis Group 2012). In turn, Maliki 'used the U.S. centralization mandate as a tool to accumulate power' (O'Driscoll 2016, 35). In doing so, Maliki aggrieved both Sunnis and Kurds; Sunnis felt further isolated from power in Baghdad and Kurds were further alienated by Maliki's failure to see through on their autonomy claims regarding Kirkuk.[3] The lack of engagement on the part of the US to persuade Maliki to live up to his promises and pursue fair, fully inclusive power-sharing arguably worsened an already tense political situation.

What impact have such 'light touch' tactics had on overcoming political stalemate? In a positive sense, the 'light touch' strategy of convening talks and proposing measures to resolve power-sharing crises can keep a peace process on track by bringing parties together in a 'hothouse' atmosphere of political talks, introducing a degree of institutional reform to foster inter-party cooperation. In Northern Ireland, the crisis management approach employed by the British and Irish governments of intervening when inter-party relations break down has enabled the process to rumble on with progress made when the main parties are ready to resolve issues. The two governments consider such engagement to be a necessary part of their role as co-guarantors of the GFA (interviews, NIO, 2018; DFAT, 2018). In Bosnia, the EU has had to re-engage in an effort to persuade the parties to agree on constitutional reform. Though the EU's efforts have not witnessed dramatic improvements in inter-communal cooperation, the consistent engagement has nevertheless helped deliver some degree of stability and avoid a recurrence of war.

Yet, the 'light touch' strategy is not without risk. Parties may choose to walk away from

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[3] Article 140 of the Iraqi Constitution stipulated that the issue of the disputed territories be resolved by end 2017 following a period of normalization, a population census and referendum. The failure of the Baghdad government to implement Article 140 was viewed by Kurds as 'a betrayal that violated both the spirit and letter of the new constitution' (Anderson 2013, 368).

talks, preferring to blame their political opponents (and, at times, the external actors involved) for lack of progress. The 'blame game' of power-sharing politics has been evident in both Northern Ireland and Bosnia when externally-led negotiations fail to produce a deal. After the latest talks collapsed in Northern Ireland, even Sinn Féin president Mary Lou McDonald called for a more decisive British response, accusing the government of having 'no map and no plan' for the restoration of power-sharing (Stewart and O'Carroll 2018). Whatever efforts are made by external actors to incentivize communal cooperation, progress may remain elusive, largely owing to the parties' divergent interpretations of the original agreement and expectations regarding its implementation (Ruane and Todd 2001). Moreover, communal parties may perceive a 'light touch' as a detached, indifferent approach on the part of external actors. In Iraq, the Obama administration engaged rather reluctantly to resolve power-sharing crises, as witnessed by the apparent indifferent attitude to Maliki's efforts to concentrate power and side-line the Sunni and Kurdish communities. Should the external engagement appear to favour one group, inter-party relations are likely to deteriorate further. US support for Maliki, in an effort to strengthen the state institutions, served to further alienate the Sunnis and Kurds to the point, paradoxically, whereby both communities have sought additional autonomy (O'Driscoll 2016). In Bosnia, the perception of Bosnian Serbs that constitutional reform was intended to favour the Bosniak position via centralization has shaped the process in zero-sum terms. The Conservative-DUP pact in the UK House of Commons, meanwhile, has soured relations between the local parties.

Even if external actors seek to present the nature of their engagement as support and facilitation, such engagement can be interpreted by the internal actors as imposition and interference. This is the case in Bosnia where the EU's efforts have been constrained by contestation over the future configuration of the state. Though the EU has sought to move beyond

the past practice of heavy-handed intervention of the OHR, EU engagement is still constrained by the dilemma of promoting reform and local ownership from the outside (Juncos 2012). The nature of reform is largely dictated by the need to comply with the EU's Copenhagen criteria and the *acquis communautaire*. The fairly strict reform parameters inform suggestions of the EU's 'compulsory power' whereby the push for stronger central institutions 'mobilizes secessionist sentiment, fans power struggles and undermines reform' (Biermann 2014, 504).

External actors will likely opt for a 'light touch' approach to resolving power-sharing crises in order to minimize their involvement and to encourage the internal parties to make progress. Facilitating inter-party talks, conducting 'shuttle diplomacy', and drafting the text of a deal can help maintain the peace process and get power-sharing back on track. Yet, external actors must strike a delicate balance. Should their engagement appear too light, perceived as detached and indifferent, they risk alienating groups and even signalling to elites that their intentions to thwart power-sharing in the interests of their own group will remain unchecked. 'Light touch' engagement can conversely be perceived as unwanted interference with adverse implications for relations with the political parties. Much depends on the extent of parties' willingness to cooperate; they can choose to walk away from a deal or subsequently renege on commitments in the post-agreement stage. External actors then face the difficult decision of whether to re-engage with another 'light touch' effort or adopt a more heavy-handed approach to address power-sharing instability.

A 'Heavy Hand': Coercive Engagement in Power-Sharing

External actors do not always shape their engagement in power-sharing systems as a 'light touch', instead turning to more assertive or coercive measures. Although the instances of 'heavy hand' engagement vary in form at different crisis points and from case to case, these interventions demonstrate a similarly more assertive approach on the part of the external actor in their efforts to resolve power-sharing crises. Such interventions are demonstrably 'heavier' in nature than a 'light touch' approach as the external actor moves beyond facilitating talks as a way to overcome stalemate to imposing a decision on the power-sharing institutions or dictating the way forward. The 'heavy hand' approach by external actors in a power-sharing system might otherwise be conceptualised as a 'directive strategy' that is a 'robust and intense form of mediation' (Butler 2009, 131) or engagement that seeks to manipulate outcomes (Gartner 2014). This more assertive position will likely have complex and potentially difficult consequences for power-sharing when viewed as favouring the position of one group over another. Adopting a more robust approach will also vary in extent, ranging from the assertion of a particular political position pertaining to the crisis situation, to the imposition of policy and even power-sharing suspension.

In Northern Ireland, for example, the British government applied a 'heavy hand' to rescue the political institutions early on. In 2000, Secretary of State for Northern Ireland Peter Mandelson introduced a suspension order, used to adjourn the institutions and prevent the collapse of power-sharing in the event that Ulster Unionist leader David Trimble resign in the absence of IRA decommissioning. In his memoirs, Mandelson (2015, 83-4) recalls his 'nuclear option' threat to Sinn Féin that should the IRA fail to decommission its weapons, he would reinstate direct rule from Westminster and blame the move on republicans. The coercive move of enacting suspension legislation further deteriorated relations between the British government and nationalists. The Irish government also rejected this move, with Taoiseach Bertie Ahern reminding the Secretary of State

that suspension threatened the likelihood of political progress (Ahern 2000). Controversy relating to the British government's involvement also resulted from the May 2000 Police Bill designed to implement the Patten Commission recommendations. Sinn Féin rejected the legislation, arguing that it constituted 'a major departure' from the Patten Report. The debacle over the police bill led to a difficult period of deadlock over policing, demilitarization and decommissioning until the completion of IRA decommissioning in 2005 and Sinn Féin's support for the police service in 2007. The British government also acted in a fairly heavy-handed manner in 2003 by postponing the Northern Ireland Assembly elections in expectation that the more moderate parties were likely to suffer at the polls with encroachment by the 'extremes' (the DUP and Sinn Féin). More recently, the British government's decision in 2017 to enter into a 'supply and command' deal with the DUP in the UK House of Commons has been perceived by the other parties as compromising London's credibility (Belfast Telegraph 2017).

Heavy-handed external governance is closely associated with the OHR in Bosnia, responsible for the implementation of the civilian aspects of the DPA. The so-called Bonn Powers controversially provide the OHR with the power to impose measures when the domestic parties are unable to agree and to take action against politicians and officials deemed 'in violation' of the agreement (Peace Implementation Council 1997). Successive High Representatives employed these powers to drive reform. Paddy Ashdown, High Representative from 2002 to 2006, adopted a robust attitude to using the Bonn Powers, imposing decisions and removing elected politicians from office (McEvoy 2015, 125-9). The OHR's imposition of policy decisions created a problem of dependency on the part of the local parties, whereby they could avoid making decisions on contentious issues, knowing that the High Representative would eventually step in (Richmond & Franks 2009; Knaus & Martin 2003; Juncos 2012). Ashdown himself recognized that using the

Bonn Powers to impose decisions created dependency and suggested that it was prudent for his successor to pull back from the Bonn Powers with the edict that parties needed to take ownership of reform on the path to EU accession (Ashdown 2007, 112). Nonetheless, the OHR continued to argue that imposing decisions was necessary to overcome political stalemate. A decade later, High Representative Lajčák (2008) defended the Bonn Powers: 'These powers to substitute for stalemated domestic institutions to create an environment conducive to reforms paid substantial dividends over ensuing years…The virtual state created by Dayton began to acquire real responsibilities'. With the announcement that the OHR would wind down in anticipation of a 'reinforced' EU role, there was an expectation that 'the magnetic "pull" of Brussels' would replace the "push" of the Bonn powers' (Ashdown 2007, 112). The results have been mixed.

In Iraq, the US, as an occupying power, had a heavy-handed role in the post-2003 constitution-making process and, on occasion, in the implementation of power-sharing thereafter. US political engagement to foster improved elite cooperation was often relatively muted, though at times, the US was prepared to adopt a heavier hand in confronting power-sharing crises. A notable illustration of this stronger position was the US response to moves by the Kurdistan Regional Government (KRG) to prepare for an independence referendum in September 2017. Though the Trump administration did not set out a clear position on the referendum early on, a stronger position was made explicit in the weeks leading up to the vote. The White House issued a statement opposing the referendum, suggesting that it would distract from efforts to defeat ISIS and that 'holding the referendum in disputed areas is particularly provocative and destabilizing' (White House 2017). US Presidential Envoy for the Global Coalition to Counter ISIS, Brett McGurk, on a visit to Iraq weeks before the referendum, reiterated the US position that the referendum would be 'ill timed and ill advised' and proposed an 'alternative path' of increased

dialogue between Erbil and Baghdad (US Department of State 2017). In the wake of the positive referendum result, a spokesperson for the US Embassy in Baghdad stated that the US was 'deeply disappointed' that the KRG had held 'a unilateral referendum on independence, including in areas outside of the Iraqi Kurdistan Region'. The Embassy warned that the referendum would 'increase instability and hardships for the Kurdistan region and its people' (US Embassy and Consulate in Iraq 2017).

The US response to the KRD independence referendum could arguably be understood as an instance of 'directive' mediation strategy conceptualised by Bercovitch and Houston (2000, 175) as 'the most powerful form of intervention' whereby the 'mediator affects the content and substance of the bargaining process by providing incentives for the parties to negotiate or by issuing ultimatums'. In response to the referendum outcome, Iraqi security forces and Shiite militia launched a military operation against Kurdish forces in the disputed territory of Kirkuk and 'with the apparent green light of the US' (International Crisis Group 2017, 2). Echoing previous efforts by the US to strengthen Baghdad, US support was focused on backing Prime Minister Haidar al-Abadi in advance of forthcoming parliamentary elections (Alaaldin 2017). The military offensive further soured relations between the US and the Kurdish community; KRG President Masoud Barzani resigned and blamed the US for failing to stand by the Kurds (Riedel 2017).

Compared to a 'light touch', what impact has a more heavy-handed approach had in overcoming power-sharing crises? As the experience of international engagement in Bosnia demonstrates, the paradox of promoting self-government and local ownership via heavy-handed measures has an adverse impact on the political institutions and inter-communal relations (Chandler 2000). This, according to Merdzanovic (2017), makes Bosnia a form of imposed consociation where external governance reduces incentives for local actors to compromise on

contentious issues, thereby depriving consociationalism of its positive inducement of elite cooperation. It is hardly surprising, then, that the EU has sought to carve out an alternative approach, acknowledging the 'negative consequences of the "intensive care"' engagement of the OHR (Juncos 2012). A heavy-handed approach resulted in 'the entrenchment of nationalist positions and regular standoffs between the High Representative and nationalist political parties, in particular, Bosnian Serbs' (Juncos 2012, 699). Drawing on these lessons, the EU frames its engagement as 'partnership' with the local parties, acknowledging that, 'you can't build trust by decree' (interview, EEAS, 2017). Yet, the application of a 'light touch' away from coercive measures has its own challenges and cannot guarantee that power-sharing crises will be easily resolved.

The lessons of a heavy-handed approach have also been learned in Northern Ireland. As one NIO official told us, there is no appetite to threaten the parties with a 'Plan B' of anything other than the restoration of the power-sharing institutions (interview, NIO, 2018). Such threats are viewed as 'simply political narrative' as the two governments must fulfil their obligations in the GFA. Rather than reverting to coercive measures such as suspension and direct rule from London, the British government remains prepared 'to step back in again, to support the parties in restoring devolution' when the parties are ready. The Irish government also appears to accept the need to re-engage and to apply pressure on the parties, describing the 'division of labour' between Dublin and London in 'speaking with frankness and openness and credibility' in their engagement with nationalists and unionists respectively. On the way forward, they noted 'there is always more talks' (interview, DFAT, 2018).

Defusing Power-Sharing Crises

The role of external actors received only minor attention in the early scholarship on consociationalism. With the emergence of the 'new wave', the literature has begun to integrate external actors into power-sharing theory, but has done so unevenly, arguing that such interventions are both constructive and dysfunctional. What might this tension between the short-term goal of 'putting out fires' and the long-term objective of local actors 'going it alone' tell us about power-sharing theory and practice? Above all, it highlights the tendency toward regularized crisis under power-sharing rules. On the one hand, contentious, sensitive issues, often with no easy answers, are the hallmark of politics in divided places and it is thus no surprise that large disagreements and protracted political crises occur. Yet, it is also not unreasonable to anticipate that the institutional framework should be able to at least facilitate cooperation and support crisis resolution without always reverting to external strategies. How might external actors continue to support power-sharing stability while also supporting local actors as they 'go it alone'? Here we suggest two broad strategies: designing a set of 'living' power-sharing institutions and building in deadlock-breaking mechanisms at the outset. Together, these strategies are intended to offer enough flexibility to respond to changing circumstances and inter-communal interactions while also providing groups with the collective resources to address contentious issues collaboratively.

The first strategy subscribes to what can be called the 'there's always more talks' approach to power-sharing practice. Power-sharing agreements are often negotiated at the height of divisions, which often result in rigid group protections and robust external involvements. Consequently, this strategy recognizes the need not to freeze this particular moment in time. First, this is likely to mean avoiding corporate consociational rules where possible, given that these rules tend to entrench ethnic positions and make cooperation difficult, thereby ensuring ongoing external

intervention. Second, it means resisting the temptation to hold up the original peace agreement as the single definitive statement of inter-communal relations. Cochrane and his coauthors (2018) call for such an approach, labelled as 'living consociationalism'. This entails a 'combination of flexible procedures for institutional reforms with extensive sets of institutional incentives for cooperation'. This need for flexibility is echoed by an Irish official who noted that the political situation is 'continually changing and the agreement could not foresee everything that comes subsequently so I think you do need to have that living approach to it' (interview, DFAT, 2017). Indeed, the add-on agreements in Northern Ireland, such as the St Andrews Agreement (2006) or the Fresh Start Agreement (2015), are a reminder that an ongoing talks process can flesh out the details of intentionally vague peace agreements, address any unanticipated consequences of the original deal, and streamline decision-making processes. In the process, it further supports the routinization of dialogue with the other side, thereby facilitating the 'spirit of accommodation' (Lijphart 1977) between coalition partners needed for power-sharing to work. This is not to imply that crisis moments will not occur but instead to suggest that such moments can be harnessed as critical junctures. Crisis moments can be used to perform 'institutional tinkering' or making micro-changes to the power-sharing rules in order to keep the spirit of the original deal alive while nonetheless improving institutional functionality (McCulloch 2017). Assuming that they do not impose their own conception of peace or display strong preferences for one side over the other, adopting a living approach may help external actors overcome this dysfunctional loop whereby their interventions lead the power-sharing actors no closer to going it alone.

The second broad strategy is to try to smooth out the inevitable bumps in the road by building more robust dispute resolution processes into the initial agreement. While the early consociational scholarship assumes that political elites would see it in their own best interest to

cooperate with one another, elites in the new wave cases have been less inclined to do so of their own volition. Schneckener (2002) goes so far as to suggest that consociationalism needs a fifth component: mediation/arbitration. He identities a series of political and juridical mechanisms that might perform this function, including "informal meetings among the group leaders, ombudspersons, formalized mediation committees, independent commissions or special arbitration courts in which all sides are represented" (Schneckener 2002, 205). Papagianni (2010, 245) likewise stresses the constructive use of ongoing, post-agreement mediation, which she argues serves a number of important functions: 'it tries to keep the signatories of the peace agreement engaged, to bring new parties in the process, and to expand as much as possible political participation'. Many of these roles are likely to be filled by external actors, thereby facilitating a more consistent approach to external involvement in contrast to the current ad hoc approach, which vacillates between a light touch and heavy hand in response to crisis. In conjunction with the 'there's always more talks' approach, these roles could be gradually turned over to local actors as intergroup relations stabilize.

The ability of either strategy to defuse or pre-empt power-sharing crises is, of course, contextual. They nevertheless serve as an important reminder that, when it comes to new wave cases, power-sharing theory requires a more robust conceptualization of how to mitigate protracted stalemates between coalition partners. While external actors perform this role in new wave cases, their involvement is far from systematic, exhibiting a range of motivations and tactics. A light touch strategy can help parties overcome stalemate, when they are willing. Yet, a too light touch can appear as indifferent or detached. Conversely, external engagement, however 'light' such efforts are framed by the external actor, can be construed as unwelcome interference or designed to favour one group. A more heavy-handed approach in imposing decisions will likely have an

adverse impact on power-sharing and intergroup relations. In highlighting this distinction, we have also suggested strategies that may help to facilitate both putting out fires and the ability for local actors to go it alone.

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